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NOTICE OF ALLOWANCE AND FEE(S) DUE

30652 7590 04/14/2008

CONLEY ROSE, P.C.
5601 GRANITE PARKWAY, SUITE 750
PLANO, TX 75024

EXAMINER

ROSEN, NICHOLAS D

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 04/14/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/730,624

12/08/2003

David L. Dinwoodie

4044-01400

4260

TITLE OF INVENTION: AUCTION SYSTEM FOR REMOTE BIDDING AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$720	\$300	\$0	\$1020	07/14/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

30652 7590 04/14/2008

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,624	12/08/2003	David L. Dinwoodie	4044-01400	4260

TITLE OF INVENTION: AUCTION SYSTEM FOR REMOTE BIDDING AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$720	\$300	\$0	\$1020	07/14/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
ROSEN, NICHOLAS D	3625	705-026000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

ROSEN, NICHOLAS D

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 04/14/2008

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1035 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1035 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/730,624

Examiner

Nicholas D. Rosen

Applicant(s)

DINWOODIE, DAVID L.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the documents of March 12, 2008.
2. ☒ The allowed claim(s) is/are 3-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 3/12/2008
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/Nicholas D. Rosen/
Primary Examiner, Art Unit 3625

DETAILED ACTION

Claims 3-34 have been examined.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows: The replacement for paragraph [0095] is hereby relabeled "[0095]" rather than [0001], as it was mislabeled on page 40 of the amendment of March 10, 2008, by an evident clerical error.

Allowable Subject Matter

Claims 3, 4, and 6-13 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Faris et al. (U.S. Patent 6,677,858), discloses a system for conducting interactive auctions with remote bidders, comprising: an auction system that maintains information related to a subject of an auction, the auction system establishing a price at which the subject of the auction is offered (column 55, line 58, through column 56, line 16); and a remote bidder system that communicates a bid including bid information to the auction system, the auction system using at least a portion of the bid information to accept the bid if it is timely, and reject the bid if the bid is not timely

(column 59, lines 6-46). Faris does not disclose that the bid accepts an offer for the subject of the auction at the price established by the auction system, but online auctions where bids are of this nature are well known, as taught by Maybury ("Boot Camp; Online Auctions Part One") (whole article, especially paragraph beginning, "At the end of the auction"). The auction system described by Maybury would normally accept the bid where the price of the auction had not changed, and in many cases reject it if the price for the subject of the auction had changed, that is, where a higher bid submitted by someone else had resulted in a current minimum acceptable bid higher than the amount.

Faris discloses that the auction system is operable to maintain a time related information associated with the price of the subject at a time during the auction (column 59, lines 6-17) and that the bid information includes a time related component comparable to the time related information maintained by the auction system (column 59, lines 18-46). Faris's auction server matches bids and offers, rather than necessarily maintaining a single price for the subject of the auction, but Maybury teaches maintaining a price (whole article, especially paragraph beginning, "At the end of the auction").

Faris discloses that the time related information associated with the price of the subject matter is time data associated with the time during the auction when the subject matter is auctioned for a price (column 59, lines 17-46). However, Faris does not disclose that the auction system uses the time data to determine whether the price of the subject of the auction has changed, nor does any other prior art of record quite

teach doing this. There is no motivation in Faris, the other prior art of record, or the knowledge generally available to one of ordinary skill in the art to graft using the time data to determine whether the price of the subject of the auction has changed on to Faris's system, which is directed to determining whether the proper time for submitting bids had begun or ended at the time a bid was sent out and timestamped.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim 5 is allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Faris et al. (U.S. Patent 6,677,858), discloses a system for conducting interactive auctions with remote bidders, comprising: an auction system that maintains information related to a subject of an auction, the auction system establishing a price at which the subject of the auction is offered (column 55, line 58, through column 56, line 16); and a remote bidder system that communicates a bid including bid information to the auction system, the auction system using at least a portion of the bid information to accept the bid if it is timely, and reject the bid if the bid is not timely (column 59, lines 6-46). Faris does not disclose that the bid accepts an offer for the subject of the auction at the price established by the auction system, but online auctions where bids are of this nature are well known, as taught by Maybury ("Boot Camp;

Online Auctions Part One”) (whole article, especially paragraph beginning, “At the end of the auction”). The auction system described by Maybury would normally accept the bid where the price of the auction had not changed, and in many cases reject it if the price for the subject of the auction had changed, that is, where a higher bid submitted by someone else had resulted in a current minimum acceptable bid higher than the amount.

Faris et al. (U.S. Patent 6,677,858) and Maybury (“Boot Camp; Online Auctions Part One”) make the system of claim 1 obvious, as set forth above. Faris further discloses that the bid information includes a first data indicative of an offer for from the remote bidder system for the subject of the auction and a second data related to a time associated with the price of the auction (column 55, line 58, through column 56, line 30;column 59, lines 6-46). However, Faris does not disclose that the auction system uses the second (time-related) data to determine whether the price of the subject of the auction has changed, nor does any other prior art of record quite teach doing this. There is no motivation in Faris, the other prior art of record, or the knowledge generally available to one of ordinary skill in the art to graft using the time data to determine whether the price of the subject of the auction has changed on to Faris’s system, which is directed to determining whether the proper time for submitting bids had begun or ended at the time a bid was sent out and timestamped.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 14-21 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Faris et al. (U.S. Patent 6,677,858), discloses a method for remote auction bidding, comprising: communicating an auction system price to a remote bidder system (column 55, line 58, through column 56, line 21); and transmitting a message related to the subject of the auction from the remote bidder system to the auction system (column 56, lines 17-30; column 59, lines 17-46). Faris does not precisely disclose updating an auction system with an auction system current price established by the auction system for a subject of an auction, or messages from bidders including bid offers acknowledging acceptance by the remote bidder system of the auction system current price for the subject of the auction, but these are well-known features of online auctions, such as those described Henry ("But Can You Get It Wholesale?"), and by Maybury ("Boot Camp; Online Auctions Part One"). Faris discloses accepting or rejecting a bid according to the time at which the bid is sent, and the current price of a subject of an auction may change over time, but neither Faris nor any other prior art of record discloses accepting, by the auction system, the bid offer where a then current bid price maintained by the auction server for the subject of the auction is the same as the remote bidder system current price; and rejecting, by the auction system, the bid offer

where a then current bid price maintained by the auction server for the subject of the auction is different from the remote bidder system current price.

In a typical online auction system, a bid may be accepted or rejected according to whether the price has changed, and whether the price change is sufficient; e.g., if John Doe, a bidder, sees that the displayed by bid for an item is \$100, he can submit a bid of \$101, and his bid will be accepted if the previous high bid is still \$100 when his bid is processed at the auction server, but not accepted if someone else has bid \$102 before his bid is received and processed. In such a situation, however, it is not the fact of the current price maintained by the auction system being the same as or different from the remote bidder system current price which is key. If, by the time John Doe's \$101 bid is received and processed, someone else has submitted a bid for \$100.50, the current price maintained by the auction system will be different from the remote bidder system current price of \$100, but John Doe's \$101 bid would presumably still be accepted.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 22-34 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Faris et al. (U.S. Patent 6,677,858), discloses a method for remote

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auction bidding, comprising: communicating an auction system price to a remote bidder system (column 55, line 58, through column 56, line 21); and transmitting a message related to the subject of the auction from the remote bidder system to the auction system (column 56, lines 17-30; column 59, lines 17-56). Faris does not precisely disclose updating an auction system with an auction system current price established by the auction system for a subject of an auction, or messages from bidders including bid offers acknowledging acceptance by the remote bidder system of the auction system current price for the subject of the auction, but these are well-known features of online auctions, such as those described Henry ("But Can You Get It Wholesale?"), and by Maybury ("Boot Camp; Online Auctions Part One"). Faris discloses accepting or rejecting a bid according to the time at which the bid is sent, and the current price of a subject of an auction may change over time, but neither Faris nor any other prior art of record discloses accepting, by the auction system, the bid offer where the auction system current price for the subject of the auction has not changed; and rejecting, by the auction system, the bid offer where the auction system current price for the subject of the auction has changed.

In a typical online auction system, a bid may be accepted or rejected according to whether the price has changed, and whether the price change is sufficient; e.g., if John Doe, a bidder, sees that the displayed by bid for an item is \$100, he can submit a bid of \$101, and his bid will be accepted if the previous high bid is still \$100 when his bid is processed at the auction server, but not accepted if someone else has bid \$102 before his bid is received and processed. In such a situation, however, it is not the fact

of the price having changed, or not changed, which is key. If, by the time John Doe's \$101 bid is received and processed, someone else has submitted a bid for \$100.50, the price has changed, but John Doe's \$101 bid would presumably still be accepted.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-272-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas D. Rosen/
Primary Examiner, Art Unit 3625
April 7, 2008